

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN CHAMBERS ( X ) IN OPEN COURT ( )

SPECIAL MASTER GEORGE A. SCHADE, JR.  
Presiding

IN RE THE GENERAL ADJUDICATION  
OF ALL RIGHTS TO USE WATER IN THE  
GILA RIVER SYSTEM AND SOURCE

DATE: October 13, 2005

CIVIL NO. W1-11-1174  
(Consolidated)

MINUTE ENTRY: PREHEARING  
TELEPHONIC CONFERENCE

CONTESTED CASE NAME: *In re PWR 107 Claims.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master conducts a telephonic conference on October 13, 2005, to address issues related to the joint status report on settlement negotiations filed by the United States and the San Carlos Apache Tribe and other matters.

NUMBER OF PAGES: 2.

DATE OF FILING: October 26, 2005.

10:00 a.m. This is the date and time set for a telephonic status conference. Present are R. Lee Leininger and William W. Quinn for the United States, Joe P. Sparks and John H. Ryley for the San Carlos Apache Tribe ("Apache Tribe"), Mark A. McGinnis and M. Byron Lewis for Salt River Project, Nancy A. Mangone for the City of Sierra Vista, and Janet L. Ronald for the Arizona Department of Water Resources ("ADWR"). Also present is Kathy Dolge of the office of the Special Master. All participants in the telephonic conference call can hear each other and be heard.

Court Reporter, Patty Connolly, is present.

Mr. Leininger states the United States and the San Carlos Apache Tribe have agreed to the resolution of fourteen of the Apache Tribe's objections and are in the process of exchanging draft stipulations.

For nine claims for which only cadastral locations are known, Mr. Leininger says it will be necessary to wait until after spring rains to attempt to locate these springs. Special Master Schade asked if a report could be submitted in May, 2006, and Mr. Leininger agreed that timeline is feasible.

Mr. Leininger and Mr. Sparks commented on long-standing boundary disputes between United States agencies and the Apache Tribe. There was further discussion about the jurisdiction of this court with respect to boundary questions. Special Master Schade raised a question concerning a conditional decree for some of the disputed claims. No agreement was reached on this issue.

After Special Master Schade suggested ADWR might accompany the United States and Apache Tribe investigators, Ms. Ronald inquired as to ADWR's role in reviewing abstracts of these claimed water rights. The Special Master responded that ADWR's responsibility would include a statement that, to the best of the Department's knowledge, the abstracts presented appear to be accurate and complete. The Department would not be required to conduct independent field work.

Upon inquiry, Ms. Mangone for the City of Sierra Vista and Mr. Leininger avowed they had executed stipulations resolving the City's objections.

Discussed was a schedule for briefing the issues concerning springs located in the areas of the disputed boundary. That schedule will be set forth in a subsequent order.

11:32 a.m. Matter concludes.

DATED: October 26, 2005.

/s/ George A. Schade, Jr.

GEORGE A. SCHADE, JR.

*Special Master*

On October 26, 2005, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for Contested Case No. W1-11-1174 dated June 15, 2005.

/s/ KDolge

Kathy Dolge